

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	Civil Action No. 2:18-cv-1490
)	
v.)	
)	COMPLAINT
FABRICARE SPECIALISTS OF WISCONSIN,)	(Jury Trial Demand)
INC., d/b/a CARRIAGE CLEANERS,)	
)	
Defendant.)	
)	
)	

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 (“Title VII”) and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices based on sex and to provide appropriate relief to the Charging Party, Donovan McLemore, and a class of individuals who were also denied employment by Fabricare Specialists of Wisconsin, Inc., doing business as Carriage Cleaners. Specifically, Carriage Cleaners discriminated against McLemore and a class of male applicants by refusing to hire them because of their sex, male.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3) , and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Eastern District of Wisconsin.

PARTIES

3. Plaintiff, Equal Employment Opportunity Commission (“EEOC”), is the agency of the United States of America charged with administering, interpreting, and enforcing Title VII and is expressly authorized to bring this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Fabricare Specialists of Wisconsin, Inc., doing business as Carriage Cleaners, has continuously been and is now a corporation doing business in the State of Wisconsin and has continuously had and does now have at least 15 employees.

5. At all relevant times, Carriage Cleaners has continuously been and is now an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g), and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g), and (h).

ADMINISTRATIVE PROCEDURES

6. More than 30 days before institution of this lawsuit, Donovan McLemore filed a Charge of Discrimination with the EEOC alleging Carriage Cleaners had violated Title VII.

7. On June 22, 2018, the EEOC issued a Letter of Determination to Carriage Cleaners finding reasonable cause to believe that Title VII was violated and inviting Carriage Cleaners to join with the EEOC in informal methods of conciliation to endeavor to eliminate the unlawful employment practices and provide appropriate relief.

8. The EEOC engaged in communications with Carriage Cleaners to provide the Defendant with the opportunity to remedy the discriminatory practices described in the Letter of Determination.

9. On August 6, 2018, the EEOC issued a Notice of Conciliation Failure to Carriage Cleaners advising Carriage Cleaners that the EEOC was unable to secure a conciliation agreement acceptable to the EEOC from Carriage Cleaners.

10. All conditions precedent to the institution of this lawsuit have been fulfilled.

STATEMENT OF CLAIMS

11. Beginning on or about June 13, 2017, Carriage Cleaners engaged in unlawful employment practices at its store located at 544 East Ogden Street in Milwaukee, Wisconsin (“East Ogden Street location”), in violation of Title VII, by denying employment to Mr. McLemore and a class of male applicants on the basis of sex:

(a) In June 2017, Carriage Cleaners’ East Ogden Street location was seeking to hire new employees.

(b) Intending to seek employment with Carriage Cleaners, Mr. McLemore, a male, entered the location and requested an application.

(c) A Carriage Cleaners employee advised Mr. McLemore that the owners did not hire men and would not accept an application from McLemore because he is male.

(d) Mr. McLemore was not hired by Carriage Cleaners.

(e) Other male applicants were also denied hire based on sex.

12. The effect of the practices complained of in Paragraph 11 has been to deprive Mr. McLemore and a class of male applicants of equal employment opportunities because of sex, in violation of Title VII.

13. The unlawful employment practices complained of in Paragraph 11 were intentional.

14. The unlawful employment practices complained of in Paragraph 11 were done with malice or with reckless indifference to the federally protected rights of Mr. McLemore and a class of male applicants.

PRAYER FOR RELIEF

Wherefore, the EEOC respectfully requests that this Court:

A. Grant a permanent injunction prohibiting Fabricare Specialists of Wisconsin, Inc. d/b/a Carriage Cleaners and its subsidiaries, officers, agents, servants, employees, successors, and assigns, and all persons in active concert or participation with them, from engaging in any employment practice which discriminates based on sex;

B. Order Fabricare Specialists of Wisconsin, Inc. d/b/a Carriage Cleaners to institute and carry out policies, practices, and programs which provide equal employment opportunities and which eradicate the effects of its past and present unlawful employment practices;

C. Order Fabricare Specialists of Wisconsin, Inc. d/b/a Carriage Cleaners to make Mr. McLemore and a class of male applicants whole by providing appropriate back pay with pre- and post-judgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of the unlawful employment practices described in Paragraph 11 above, including, but not limited to, hiring Mr. McLemore and class members or providing front pay in lieu thereof;

D. Order Fabricare Specialists of Wisconsin, Inc. d/b/a Carriage Cleaners to make Mr. McLemore and a class of male applicants whole by providing compensation for past and future pecuniary and non-pecuniary losses resulting from the unlawful employment practices described in Paragraph 11 above, including (but not limited to) emotional pain, suffering, and inconvenience, loss of enjoyment of life, and humiliation, in an amount to be determined at trial;

E. Order Fabricare Specialists of Wisconsin, Inc. d/b/a Carriage Cleaners to pay Mr. McLemore and a class of male applicants punitive damages for its malicious and reckless conduct described in Paragraph 11 above, in an amount to be determined at trial;

F. Grant such further relief as the Court deems necessary and proper in the public interest; and

G. Award the EEOC its costs of this action.

JURY TRIAL DEMAND

The EEOC requests a jury trial on all questions of fact raised by its Complaint.

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
131 M Street, N. E.
Washington, D.C. 20507

s/ Gregory Gochanour
Gregory Gochanour
Regional Attorney

s/ Jean P. Kamp
Jean P. Kamp
Associate Regional Attorney

s/ Leslie N. Carter
Leslie N. Carter
Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
MILWAUKEE AREA OFFICE
310 WEST WISCONSIN AVENUE, SUITE 500
MILWAUKEE, WISCONSIN 53202
Telephone: (414) 297-4188
Fax: (414) 297-3146

E-mail: gregory.gochanour@eeoc.gov
E-mail: jean.kamp@eeoc.gov
E-mail: leslie.carter@eeoc.gov